

opposite, second end pivotally connected to the opposite end of a respective bar.

16. The stepping machine of claim 12, wherein each said linking means includes a rocker link having a first end pivotally connected to the frame at a common pivot axis on the frame, and an opposite, second end pivotally connected to a respective foot support.

17. The stepping machine of claim 12, wherein at least a portion of each said linking means moves through an arcuate path [relative to] centered about a common axis on said frame.

20. The stepping machine of claim 19, wherein each said guide is a rocker link having a first end pivotally connected to the frame at a common pivot axis on the frame, and an opposite, second end pivotally connected to the opposite end of a respective bar.

22. The stepping machine of claim 10, wherein each said guide is a rocker link having a first end pivotally connected to the frame at a common pivot axis on the frame, and an opposite, second end pivotally connected to a respective foot support.

Please add new claims 23-24 which are appended hereto together with a clean version of the amended claims.

#### Remarks

The Examiner rejected claims 10-14, 16-20, and 22 as being anticipated by the cited patent to Rodgers. Applicant respectfully traverses this rejection and requests reconsideration in view of the above amendments and reasons set forth below.

Independent claim 10 (as amended) recites a stepping machine having left and right guides that are mounted on the frame for movement in oscillatory fashion relative thereto. Claim 10 also recites that rotation of left and right cranks is linked to movement of a person's feet through adjacent, generally elliptical paths that have a horizontal component and a relatively greater vertical component.

The machine shown in Figure 3 of the Rodgers patent does not include any member that moves in oscillatory fashion. Also, the vertical component of the foot path 202 does not appear to be greater than the horizontal component.

The machine shown in Figure 4 of the Rodgers patent generates a foot path 302 that does have a relatively greater vertical component. However, it similarly lacks any member that moves in oscillatory fashion relative to the frame.

With regard to claims 20 and 22, which depend from claim 10, they now recite that the guides are rocker links that are pivotally connected to the frame at a common pivot axis on the frame. No such structure is taught or suggested by the Rodgers patent.

Independent claim 11 (as amended) recites a stepping machine having left and right linking means that link rotation of respective cranks to movement of respective foot supports through generally elliptical paths having a horizontal component and a relatively greater vertical component. At least a portion of each said linking means is constrained to move in oscillatory fashion relative to the frame.

As discussed above with reference to claim 10, there are no oscillatory members on any of the machines disclosed in the Rodgers patent, and only the machine shown in Figure 4 of the Rodgers patent generates a foot path 302 having a relatively greater vertical component.

With regard to claims 14 and 16, which depend from claim 11, they now recite that the guides are rocker links pivotally connected to the frame at a common pivot axis on the frame. Also, claim 17, which depends from claim 11, has been amended to recite that at least a portion of each said linking means moves through an arcuate path centered about a common axis on said frame. No such structure is taught or suggested by the Rodgers patent.

Next, the Examiner rejected claims 15 and 21 as being unpatentable over Rodgers in view of the cited patent to Huang. Applicant respectfully traverses this rejection and requests reconsideration in view of the foregoing discussion of claims 10 and 11, the base claims for claims 21 and 15, respectively.

Next, the Examiner rejected claims 10-22 under the judicially created doctrine of obviousness-type double patenting. Recognizing that a first terminal disclaimer was prematurely filed in the subject application, Applicant respectfully requests deferral of this issue pending resolution of any other obstacles to patentability. An appropriate terminal disclaimer will be filed in due course.

Finally, Applicants have added dependent claims 23-24, which are directed toward the embodiment shown in Figure 33 (at least).

In conclusion, Applicant requests reconsideration and allowance of the pending claims. As always, the Examiner is welcome to call the undersigned representative of Applicant (at the new telephone number set forth below) to discuss any matter regarding this application.

Respectfully submitted,



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Mark A. Krull  
Reg. No. 34,205

P. O. Box 7198  
Bend, OR 97708  
(541) 385-0383